



Attorney Docket No. 49128 (70551)

# 49128 AF 2700  
Notice of Appeal  
2/4/03  
fr

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS Y. Ikeda, et al. EXAMINER: BELLO, A.  
U.S.S.N.: 09/322,108 GROUP: 2633  
FILED: May 28, 1999 Conf. No. 7517  
FOR: DIGITAL OPTICAL COMMUNICATION DEVICE AND METHOD FOR  
TRANSMITTING AND RECEIVING DATA WITH LIGHT EMISSION  
INTENSITY CONTROLLED

RECEIVED

JAN 30 2003

Box AF  
Commissioner for Patents  
Washington, D.C. 20231

Technology Center 2600

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. 1.191)

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

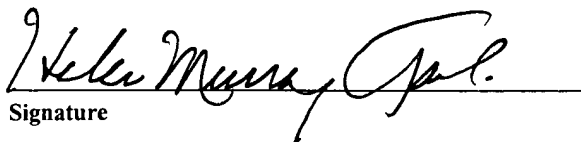
MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box AF, Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: January 22, 2003

  
Signature

Helen Murray Tarbi  
(type or print name of person certifying)

01/29/2003 AWONDAF1 00000019 09322108

01 FC:1401  
02 FC:1252

320.00 OP  
300.00 OP

(Notice of Appeal from the Primary Examiner to Board—page 1 of 3)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed August 22, 2002, finally rejecting claims 1-12 and 14-21.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

☒ other than a small entity.  
☐ a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Appeal Brief is:

☐ small entity \$160.00  
☒ other than a small entity **\$320.00**

Notice of Appeal fee due **\$ 320.00**

3. EXTENSION OF TERM

*NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).*

*(complete (a) or (b), as applicable)*

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

(a) ☒ Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input checked="" type="checkbox"/> two months	\$410.00	\$205.00
<input type="checkbox"/> three months	\$930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

**Fee \$ 300.00**

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- (a) ☒ An extension for **one month** has already been secured, and the fee paid therefor of **\$ 110.00** is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request **\$ 300.00**

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$ 320.00
Extension fee (if any)	\$ 300.00

<b>TOTAL FEE DUE \$</b>	<b>\$ 620.00</b>
-------------------------	------------------

**5. FEE PAYMENT**

☒ Attached is a check in the sum of **\$ 620.00**

☐ Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

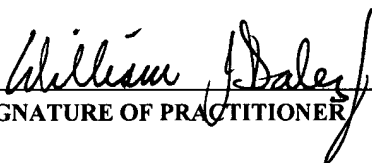
*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.*

☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.

U.S.S.N. 09/322,108  
Filed: May 28, 1999  
Group: 2633

AND/OR

[X] If any additional fee for claims is required, charge Account No. 04-1105.

  
SIGNATURE OF PRACTITIONER

Date: January 22, 2003

William J. Daley, Jr., Reg. No. 35,487  
(type or print name of practitioner)

Tel. No. (617) 439-4444

EDWARDS & ANGELL, LLP  
P.O. Box 9169  
P.O. Address

Customer No. 21874

Boston, Massachusetts 02209

BOS2\_324480.1